UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

SPECIAL POLITICAL COMMITTEE
28th meeting
held on
Tuesday, 26 November 1991
at 3 p.m.
New York

SUMMARY RECORD OF THE 28th MEETING

Chairman: Mr. PIBULSONGGRAM (Thailand)

CONTENTS

AGENDA ITEM 73: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES (continued)

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

91-57647 54638 (E)

Distr. GENERAL
A/SPC/46/SR.28
6 December 1991
ENGLISH
ORIGINAL: FRENCH

/...

The meeting was called to order at 3.20 p.m.

AGENDA ITEM 73: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES (continued) (A/46/65, A/46/282, A/46/440-445, A/46/521 and 522; A/SPC/46/L.23-29)

1. Mr. FAZL-I-MAHMOOD (Pakistan) said that, on reading the three reports submitted by the Special Committee, he noted with deep concern that the situation of the Palestinians and Arabs in the Palestinian and Arab territories occupied by Israel had worsened. As the intifadah continued in its fourth year, the Israeli authorities had further institutionalized their repressive measures and were seeking to stifle the legitimate aspirations of the Palestinians and other Arabs by increasingly resorting to force. Arrests, collective punishment, prolonged curfews, deportation and economic coercion were but a few examples of the abuses endured by Palestinians and Arabs in the occupied territories.

2. It was highly regrettable that the Israeli authorities were continuing to violate the fundamental rights of the Palestinian and Arab peoples in the occupied territories and to supplant the local population through the establishment of new settlements for Jewish immigrants. Israel's attempt to alter the demographic composition of the occupied territories constituted a clear violation of the international obligations that Israel had assumed as a State party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War; the applicability of that Convention to the occupied territories had been repeatedly upheld by the international community. Pakistan joined the international community in calling for an end to the policy of establishing new settlements and to the resort to violence in the occupied Arab and Palestinian territories.

3. In those circumstances, one could only express the hope that the International Peace Conference on the Middle East, which had recently begun in Madrid, would succeed in bringing peace and stability to the region. However, hope alone would not suffice for the achievement of a just and comprehensive settlement of the Arab-Israeli conflict and the Palestine issue. What was required was a firm commitment on the part of Israel to negotiate a settlement on the basis of Security Council resolutions 242 (1967) and 338 (1973) and of the "land for peace" principle. The Palestinian leaders, for their part, had already taken the historic decision to work for a solution on that basis.

4. The objective of attaining peace and stability in the Middle East must not remain elusive. To make that objective a reality, however, all the parties involved must make a political commitment to achieve just and positive results. The current peace initiative provided a promising opening and the international community should encourage it and persuade the parties involved to seize that unique opportunity. A just and comprehensive settlement of the Arab-Israeli conflict and of the Palestine issue based on the withdrawal of Israel from all Arab and Palestinian territories occupied since 1967,

(Mr. Fazl-I-Mahmood, Pakistan)

including Jerusalem, and the restitution of the inalienable rights of the Palestinian people, including its right to self-determination and statehood, would form a sound basis for a durable peace in the region.

5. Mr. POSSO SERRANO (Ecuador) said that the issue under consideration was one that, despite its importance, had produced so much repetition that it was becoming routine. For years it had been constantly repeated that the rights of the Palestinian people and of the other Arabs of the occupied territories were being violated by acts of violence, the demolition of houses, the forced displacement of the population, the closing of schools and other educational institutions, discrimination in the administration of justice, the installation of new European Jewish settlers in the territories occupied by Israel, and many acts of the occupying Power which violated the Geneva Conventions, the Universal Declaration of Human Rights and the International Covenants on Human Rights, as well as a number of resolutions and declarations of the Security Council. Despite its repeated demands, the Committee always came up against the refusal of the Israeli Government to cooperate with the Special Committee, and the latter was forced to base its reports on indirect investigations.

6. Year after year, all delegations which studied the reports and participated in the discussions on the issue suggested similar ways of resolving the problem, or at least of alleviating the serious situation of the Palestinians. Ritually and unfailingly, reference was made to the International Peace Conference on the Middle East, the restoration of the territories occupied by Israel since 1967, the cessation of the establishment of new settlements of European Jews in the occupied territories, the elimination of the Israeli practice of expelling the Palestinian leaders, respect by the Israeli Government for the most elementary human rights and individual guarantees such as education, health and housing, etc. All the resolutions that had been adopted stressed the absolute obligation of Israel to put an end to its practice of repression, collective punishment and economic sanctions and called upon it to respect the freedom of movement, religion and association of the Palestinian and Arab inhabitants of the occupied territories. Just as unfailingly, the resolutions adopted on the question remained a dead letter.

7. During the current year, a new development had occurred: the International Peace Conference and the direct talks that had been initiated between Jews and Arabs on that occasion. Although the statements made by the parties concerned offered little hope, they did at least constitute a significant break in the chronic paralysis which had been preventing any development.

8. Aside from those criticisms, his delegation wished to make a few specific suggestions and indicate a practical way of solving the extremely difficult situation of the Palestinians in order to eliminate the practices of repression they were enduring so as to enable them to live and flourish in

(Mr. Posso Serrano, Ecuador)

peace in their own land and to exercise their rights and fundamental freedoms instead of depending on the good or ill will of the occupying Power. Ecuador also wished to propose specific measures to enable the refugees to cease being refugees and the territories occupied by Israel to become a land under Palestinian national jurisdiction, which was the legitimate aspiration of the Palestinians.

9. Ecuador was not in a position to act as it would have wished and, like many other third world countries, it had to confine itself to its role of spectator. In view of the absence of the necessary political will on the part of those who did have the means to bring about a true solution to the problem, third world countries could only demonstrate their deep solidarity with the Palestinian cause and continue to offer what support they could within the Committee, and confine themselves to denouncing the existence of a double standard in the work of the United Nations when it came to taking effective and concrete decisions on questions which had not held its political interest, while in other circumstances it had acted with a swiftness and an effectiveness that had surprised the international community.

10. The problem of the Palestinian refugees would be resolved when a just, stable and lasting peace was achieved in the Middle East, when all the countries of the region had learned to live in harmony and when their extremist positions were no longer encouraged by powers outside the region which were concerned only with their own interests. The International Peace Conference and the direct talks between Arabs and Jews offered a glimmer of hope, and his delegation therefore welcomed them, as it would welcome any other means or mechanism for achieving a negotiated settlement.

11. Mr. AL-SUWAIDI (United Arab Emirates), referring to the Special Committee's report, denounced the repression against the Arab population of the occupied territories: massacres, torture, expulsion, demolition of houses, closing of schools, prolonged curfews, restrictions on movement, collective punishment, arbitrary and mass detention, etc. Moreover, Israel, the occupying Power, was persisting in its policy of fait accompli and was seeking, by establishing Jewish immigrants in new settlements, to change the demographic composition and legal status of the occupied territories. Quite recently, the Israeli police had raided the offices of the Islamic Court of Jerusalem and had stolen all the awqaf archives, which dated back over 500 years, as well as historic texts on Jerusalem. Yet despite everything, the intifadah would soon enter its fifth year, thereby demonstrating the commitment of the Palestinian people to its right to freedom and to the establishment of a Palestinian State on its national territory.

12. The Special Committee's mandate was based on many international instruments, including the Charter of the United Nations, the Fourth Geneva Convention and the Universal Declaration of Human Rights. Israel, however, was constantly violating all those instruments, as well as all the relevant resolutions of the General Assembly and the Security Council and had even gone

(Mr. Al-Suwaidi, United Arab Emirates)

so far as to maintain that the Fourth Geneva Convention was not applicable to the occupied Arab territories. The international community must therefore force Israel to comply with all those instruments and with all United Nations resolutions and to withdraw from the occupied Arab territories, including Jerusalem, so as to enable the Palestinian people to exercise their inalienable right to self-determination and independence. Those were the conditions sine qua non for the establishment of a just and lasting peace in the Middle East.

13. Mr. ALSAIDI (Yemen) cited the report of the Special Committee, the report of the Israeli human rights organization Betzelem and an article by Mr. Norman Finkelstein in the August 1991 issue of the Monthly Review as evidence of the atrocities committed by Israel in the West Bank, the Gaza Strip and the Syrian Arab Golan, including the demolition of houses, arbitrary arrests, torture and prolonged curfews, in violation of the Fourth Geneva Convention of 1949 and of Security Council and General Assembly resolutions on the subject. He also denounced Israel's restriction of freedom of expression and religious freedoms, and noted that, on 18 November 1991, the Israeli police had raided the premises of the Jerusalem Islamic Court and had stolen some documents, including the awqaf archives. He called on the international community to compel Israel to return those documents and to put an end to such practices, which essentially sought to obliterate the Palestinian identity.

14. Quoting an article published in The Nation on 25 November 1991, he said that Israel continued to steal water resources, to confiscate land and to establish settlements in the occupied Arab territories. Observing that the annexation of Jerusalem and the legislative and administrative measures and provisions implemented by Israel in the Syrian Arab Golan had no legal validity he stressed that peace would not be possible until Israel complied with the relevant United Nations resolutions and the provisions of the Fourth Geneva Convention and recognized the right of the Palestinian people to self-determination under the leadership of the Palestine Liberation Organization, its sole legitimate representative. Likewise, the new international order would not be credible until Israel was treated in the same way as any country which violated the rules and principles of international law.

15. Mr. YARDEN (Israel) said that, for 23 years, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories had repeatedly stated in its reports that the Government of Israel had continued to ignore requests for cooperation addressed to it. The reason for that lack of cooperation was obvious: the reports did not portray the situation in the territories administered by Israel objectively.

16. It would be pointless to repeat all the well-known arguments which had been recorded in the relevant United Nations documents and presented to the

(Mr. Yarden, Israel)

Committee the preceding year and in all previous years. Instead of exchanging charges and counter-charges and entrenching themselves in the positions of the past, members of the Committee should look towards the future. The resolutions adopted in previous years, which had been unacceptable to his delegation, had not alleviated the suffering of the Palestinian people and other Arabs of the territories administered by Israel. If the parties remained inflexible, the situation would never change.

17. He therefore appealed to the Palestinian Arabs to renounce violence and terrorism and to use the universities in the administered territories, whose existence had been made possible by Israel, for studying rather than for agitation and violence, and asked parents and teachers to stop exposing their children to danger by sending them to throw bombs and stones at soldiers and civilians. He also called on the members of the Committee to refrain from using one-sided and inflammatory language that could serve only to widen the gap between the parties and to make a negotiated settlement more difficult to achieve.

18. The solution to the problem lay not in reports and resolutions, but in a just and lasting political settlement. The Peace Conference which had started at the end of October in Madrid gave everyone hope for the future. Israel approached those negotiations with sincere intentions and great expectations.

19. The Israeli Government believed that the achievement of peace could turn the Middle East into a centre of cultural, spiritual, scientific and technological creativity. Peace would usher in a period of great economic progress that would put an end to misery, hunger and illiteracy and would put the Middle East - the cradle of civilization - on the road to a new era of endeavour and achievement that would make it a veritable paradise.

20. Mr. KADRAT (Iraq) noted that the report which had been submitted annually for 23 years by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories showed once again that Israel persisted in trying to carry out its plan in those territories, which was to clear them of their original inhabitants by resorting to methods of repression and terrorism. The Zionist entity's stubborn refusal to withdraw from the territories it occupied and to implement United Nations resolutions constituted a major obstacle to a just and comprehensive settlement of the question of Palestine.

21. The Zionist doctrine was manifestly expansionist, as evidenced by the statements of the Zionist leaders themselves. For example, on 12 November 1991, Mr. Shamir had declared that the minimum extent of Israel's territory was bounded by the current frontiers, which included the territories occupied since 1967. He had also stated, before the European Parliament, that those who thought Israel was participating in the Peace Conference with the idea of withdrawing from the territory were deceiving themselves, because there was no occupation, as the territory was part of Israel's land. An

(Mr. Kadrat, Iraq)

Israeli opposition leader had said that two thirds of the housing which Israel would build in 1992 would be located in the West Bank, the Gaza Strip and East Jerusalem. The Israeli occupation authorities used all possible means of oppression to Judaize the occupied territories, by expelling the Palestinian inhabitants and establishing settlements. That fact was recognized by the Zionist leaders themselves, from Abba Eban, who had said that Israel was oppressing the Palestinians, to Moshe Dayan, who had acknowledged that the Zionists had come to a country inhabited by Arabs in order to build a Hebrew State by replacing Arab villages with Jewish villages.

22. Israel had flouted the many Security Council resolutions on Israeli practices against the Palestinian people, which ranged from its continual policy of occupation of the occupied territories to specific incidents, such as the 1990 Haram al-Sharif massacre. Moreover, Israel had shown that it would not change its policy. Mr. Shamir had stated recently, while Israel talked of peace, that the occupied Syrian Golan was not subject to negotiation because it was essential for Israel's security, and had therefore asked that new settlements should be established there. Even more recently, on 18 November 1991, the Israeli police had committed a barbarous act by raiding the Al-Quds Islamic Court and seizing large quantities of historic documents on that city, dating back more than 500 years.

23. In spite of everything, the international community had not taken any measures to ensure the implementation of United Nations resolutions. Even though the report of the Special Committee and other reports on the issue submitted by the United Nations and other organizations revealed the inhuman and immoral practices of the Zionist entity with respect to the Palestinian Arab people, which had lived for so long under Israeli military occupation, nothing had been done to prevent Israel from driving the Palestinian people out of the occupied territories to make it respect human rights in those territories, or to oblige it to stop killing civilians, destroying houses and forcing their inhabitants to flee, as it was doing in South Lebanon. The United Nations was therefore in danger of losing all credibility.

24. In conclusion, Iraq supported the holding of a meeting of the States parties to the Fourth Geneva Convention in order to discuss measures that could be taken under that Convention to broaden international cooperation and to extend the Convention's scope of application.

25. Mr. CHOWDHURY (Bangladesh), speaking on behalf of the sponsors of draft resolution A/SPC/46/L.23, said that the sponsors had agreed to add two new paragraphs to the draft resolution after paragraph 24. The new paragraph 25 would read:

> "25. Condemns Israel's latest attack against the Sharia Islamic Court in occupied Jerusalem on 18 November 1991, when Israeli forces took away important documents and papers;"

and the new paragraph 26 would read:

(Mr. Chowdhury, Bangladesh)

"26. Demands that Israel, the occupying Power, return immediately all documents and papers that were taken away from the Sharia Islamic Court in occupied Jerusalem, to the officials of the said Court;".

The subsequent paragraphs would be renumbered accordingly.

26. The CHAIRMAN informed the Committee that the text of those new paragraphs would appear in a revised version of the draft resolution (A/SPC/46/L.23/Rev.1).

The meeting rose at 4.20 p.m.